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REMARKS

This Amendment is responsive to the Office Action dated May 9, 2003. In that Action, the Examiner objected to claim 3 and rejected claims 7 and 8 under 35 U.S.C. §102(b) as being anticipated by Noguchi. Claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by Matsuoka. Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by Piper. Claims 1-7 were rejected and provisionally rejected in view of Applicant's earlier patents and other pending application. Applicant respectfully traverses the Examiner's rejection of the claims and offers the foregoing amendments and following remarks in support thereof.

Claim 2 has been canceled without prejudice. Claims 1, 3, 7 and 8 have been amended. Claims 9-21 have been added. No new matter has been inserted. Claims 1 and 3-21 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Claim 3 has been amended to overcome the Examiner's objection.

Independent claim 1 has been amended to further define the members of the belt and to indicate that the garment, excludes trousers. As defined in the specification, garment is referring to backpacks, buoyancy compensators, personal flotation devices, harnesses, utility transport systems and like items. Piper is merely a trouser belt and thus does not anticipate amended independent claim 1.

Independent claim 7 has been amended to state that the center portion belt includes an elastic member for automatic adjustment of the belt diameter size based on movements of a wearer of the belt. Noguchi fails to include an elastic member. Thus, Noguchi fails to anticipate amended independent claim 7.

Independent claim 1 also now claims that the center member of the belt includes an elastic portion. As mentioned above,

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independent claim 7 has been amended to state that the center portion includes an elastic member. The belt of Matsuoka fails to include an elastic portion. Thus, Masuoka fails to anticipate independent claims 1 and 7.

Applicant is enclosing a Terminal Disclaimer to address the double patenting issue raised by the Examiner concerning Applicant's issued patents. If the Examiner's deems necessary after reviewing the amended claims in this Application and the allowed claims cited in Applicant's earlier application, Applicant will file a second Terminal Disclaimer to address Applicant's earlier application.

Applicant has completely responded to the Office Action dated May 9, 2003. Favorable action is respectfully requested.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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